

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SHELLYNE RODRIGUEZ, ALEXANDER NICULESCU and DANIEL MAIURI,

Plaintiffs,

-against-

THE CITY OF NEW YORK; NEW YORK CITY MAYOR BILL DE BLASIO; NEW YORK POLICE DEPARTMENT (“NYPD”) COMMISSIONER DERMOT SHEA; NYPD CHIEF OF DEPARTMENT TERENCE MONAHAN; NYPD ASSISTANT CHIEF KENNETH LEHR; NYPD LEGAL BUREAU SERGEANT KENNETH RICE; NYPD OFFICER KHALID KHACHFE; NYPD OFFICER FIRST NAME UNKNOWN (“FNU”) DORCH; NYPD OFFICER RAUL FLORES; and NYPD MEMBERS JOHN AND JANE DOES # 1-94,

Defendants.

Case No. 21-cv-10815(PKC)(VF)

**STIPULATION AND [PROPOSED] ORDER**

It is hereby stipulated and agreed, by and between Plaintiff Shellyne Rodriguez, and Defendants City of New York, Bill de Blasio, Dermot Shea, Dorch, Kenneth Lehr, Kenneth Rice, Khalid Khachfe, Nelson Nin, Raul Flores, and Terence Monahan, by and through their undersigned counsel, as follows:

1. The statute of limitations on the claims under 42 U.S.C. § 1983 here, arising out of an incident on June 4, 2020, is ordinarily three years. *See Ownens v. Okure*, 488 U.S. 235 (1989); CPLR 214(5).
2. However, for substantially the reasons explained in *Bell v. Saunders*, 2022 U.S. Dist. LEXIS 101994, at \*13 (N.D.N.Y., June 8, 2022), that ordinary statute of limitations is tolled by a variety of executive orders for an additional 153 days.
3. Therefore, the parties stipulate and agree — and respectfully request that the Court So-Order — that the three-year § 1983 statute of limitations is tolled such that it does not expire until the end of November 5, 2023.

Dated: June 5, 2023  
New York, NY

**NYC CITY LAW DEPARTMENT**

/s/ Omar J. Siddiqi

**Attorney for Defendants**

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SO ORDERED & ENTERED:

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Hon. P. Kevin Castel